

Bill No. HB 43-E, 2nd Eng.

Amendment No. Barcode 051742

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Lee moved the following amendment:

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Senate Amendment (with title amendment)

Delete everything after the enacting clause

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and insert: (attached)

16
17 Section 1. The following information is confidential
18 and exempt from the provisions of section 119.07(1), Florida
19 Statutes, and Section 24, Article I of the State Constitution:

20 (1) Personal identifying information relating to
21 clients of programs created or funded through the Florida
22 Alzheimer's Center and Research Institute which is held by the
23 institute, University of South Florida, or State Board of
24 Education or by persons who provide services to clients of
25 programs created or funded through contracts with the Florida
26 Alzheimer's Center and Research Institute;

27 (2) Any medical or health records relating to patients
28 which may be created or received by the institute;

29 (3) Materials that relate to methods of manufacture or
30 production, potential trade secrets, potentially patentable
31 material, actual trade secrets as defined in section 688.002,

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1 Florida Statutes, or proprietary information received,
2 generated, ascertained, or discovered during the course of
3 research conducted by or through the institute and business
4 transactions resulting from such research;

5 (4) The identity of a donor or prospective donor to
6 the Florida Alzheimer's Center and Research Institute who
7 wishes to remain anonymous, and all information identifying
8 such donor or prospective donor;

9 (5) Any information received by the institute in the
10 performance of its duties and responsibilities which is
11 otherwise confidential and exempt by law; and

12 (6) Any information received by the institute from a
13 person from another state or nation or the Federal Government
14 which is otherwise confidential or exempt pursuant to that
15 state's or nation's laws or pursuant to federal law.

16
17 Any governmental entity that demonstrates a need to access
18 such confidential and exempt information in order to perform
19 its duties and responsibilities shall have access to such
20 information and shall otherwise keep such information
21 confidential and exempt. This section is subject to the Open
22 Government Sunset Review Act of 1995 in accordance with
23 section 119.15, Florida Statutes, and shall stand repealed on
24 October 2, 2006, unless reviewed and saved from repeal through
25 reenactment by the Legislature.

26 Section 2. The Legislature finds that it is a public
27 necessity that personal, medical, or health information
28 concerning clients or patients which is held by the Florida
29 Alzheimer's Center and Research Institute, the University of
30 South Florida, or the State Board of Education or by persons
31 who provide services to clients of programs created or funded

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1 through the institute be made confidential and exempt from
2 public disclosure because access to such personal, medical, or
3 health information concerning clients or patients of the
4 Florida Alzheimer's Center and Research Institute would be an
5 unwarranted invasion of a client's or patient's right to
6 privacy and because the misuse of such sensitive personal,
7 medical, or health information could be detrimental to the
8 health, safety, or welfare of the client or patient. The
9 Legislature finds that it is a public necessity that
10 information relating to methods of manufacture or production,
11 potential trade secrets, potential patentable material, actual
12 trade secrets, business transactions, or proprietary
13 information received, generated, ascertained, or discovered
14 during the course of research conducted through the Florida
15 Alzheimer's Center and Research Institute be made confidential
16 and exempt from public disclosure, because the disclosure of
17 such information would impede the effective and efficient
18 operation of the Florida Alzheimer's Center and Research
19 Institute and would create an unfair competitive advantage for
20 persons or entities receiving such information. The
21 Legislature further finds that it is a public necessity that
22 information relating to donors or prospective donors to the
23 Florida Alzheimer's Center and Research Institute who wish to
24 remain anonymous remain confidential and exempt from public
25 disclosure, because the disclosure of such information would
26 have a chilling effect on the efforts of the Florida
27 Alzheimer's Center and Research Institute to solicit such
28 donations when the donors or prospective donors would be
29 publicly identified against their wishes. Any information
30 shared with the institute by others not subject to this
31 state's laws which is otherwise confidential or exempt must

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1 also not be disclosed, because to do otherwise would
2 discourage others from sharing needed information with the
3 institute and would impede the effective and efficient
4 performance of the institute.

5 Section 3. This act shall take effect July 1, 2002, if
6 Senate Bill 20-E or similar legislation is adopted in the same
7 legislative session or an extension thereof and becomes a law.

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the enacting clause

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14 and insert:

15 A bill to be entitled
16 An act relating to public records; providing
17 for the confidentiality of certain information
18 held by the Florida Alzheimer's Center and
19 Research Institute and others; creating an
20 exemption from the public-records provisions of
21 the State Constitution and Florida law for
22 certain information relating to clients,
23 patients, and donors, as well as medical and
24 health records and certain proprietary and
25 trade-secret information; providing a statement
26 of public necessity for such exemptions;
27 providing for future repeal; providing a
28 contingent effective date.

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